

1 Jaqueline Aranda Osorno (SBN 308084)  
jaosorno@publicjustice.net  
2 Alexandra Z. Brodsky\*  
abrodsky@publicjustice.net  
3 Sarah Ortlip-Sommers\*  
sortlip-sommers@publicjustice.net  
4 PUBLIC JUSTICE  
5 1620 L Street NW, Suite 630  
Washington, DC 20036  
6 Telephone: (202) 797-8600  
7 \**Pro Hac Vice Forthcoming*

8 Angelica Salceda (SBN 296152)  
asalceda@aclunc.org  
9 Chessie Thacher (SBN 296767)  
cthacher@aclunc.org  
10 Shaila Nathu (SBN 314203)  
snathu@aclunc.org  
11 AMERICAN CIVIL LIBERTIES UNION  
12 FOUNDATION OF NORTHERN CALIFORNIA, INC.  
39 Drumm Street  
13 San Francisco, CA 94111  
14 Telephone: (415) 621-2493

15 *Attorneys for Intervenors*

16  
17 **UNITED STATES DISTRICT COURT**

18 **NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION**

19 CALIFORNIA COALITION FOR WOMEN  
PRISONERS; et al.,

20 Plaintiffs,

21 v.

22  
23 UNITED STATES OF AMERICA; UNITED  
24 STATES OF AMERICA FEDERAL BUREAU OF  
PRISONS, et al.,

25 Defendants.

26 Case No. 4:23-cv-04155

27 **DECLARATION OF DAVID LOY  
IN SUPPORT OF MOTION TO  
INTERVENE FOR LIMITED  
PURPOSE OF UNSEALING COURT  
RECORDS AND PROTECTING  
ACCESS TO PUBLIC  
PROCEEDINGS**

28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72  
73  
74  
75  
76  
77  
78  
79  
80  
81  
82  
83  
84  
85  
86  
87  
88  
89  
90  
91  
92  
93  
94  
95  
96  
97  
98  
99  
100  
101  
102  
103  
104  
105  
106  
107  
108  
109  
110  
111  
112  
113  
114  
115  
116  
117  
118  
119  
120  
121  
122  
123  
124  
125  
126  
127  
128  
129  
130  
131  
132  
133  
134  
135  
136  
137  
138  
139  
140  
141  
142  
143  
144  
145  
146  
147  
148  
149  
150  
151  
152  
153  
154  
155  
156  
157  
158  
159  
160  
161  
162  
163  
164  
165  
166  
167  
168  
169  
170  
171  
172  
173  
174  
175  
176  
177  
178  
179  
180  
181  
182  
183  
184  
185  
186  
187  
188  
189  
190  
191  
192  
193  
194  
195  
196  
197  
198  
199  
200  
201  
202  
203  
204  
205  
206  
207  
208  
209  
210  
211  
212  
213  
214  
215  
216  
217  
218  
219  
220  
221  
222  
223  
224  
225  
226  
227  
228  
229  
230  
231  
232  
233  
234  
235  
236  
237  
238  
239  
240  
241  
242  
243  
244  
245  
246  
247  
248  
249  
250  
251  
252  
253  
254  
255  
256  
257  
258  
259  
260  
261  
262  
263  
264  
265  
266  
267  
268  
269  
270  
271  
272  
273  
274  
275  
276  
277  
278  
279  
280  
281  
282  
283  
284  
285  
286  
287  
288  
289  
290  
291  
292  
293  
294  
295  
296  
297  
298  
299  
300  
301  
302  
303  
304  
305  
306  
307  
308  
309  
310  
311  
312  
313  
314  
315  
316  
317  
318  
319  
320  
321  
322  
323  
324  
325  
326  
327  
328  
329  
330  
331  
332  
333  
334  
335  
336  
337  
338  
339  
340  
341  
342  
343  
344  
345  
346  
347  
348  
349  
350  
351  
352  
353  
354  
355  
356  
357  
358  
359  
360  
361  
362  
363  
364  
365  
366  
367  
368  
369  
370  
371  
372  
373  
374  
375  
376  
377  
378  
379  
380  
381  
382  
383  
384  
385  
386  
387  
388  
389  
390  
391  
392  
393  
394  
395  
396  
397  
398  
399  
400  
401  
402  
403  
404  
405  
406  
407  
408  
409  
410  
411  
412  
413  
414  
415  
416  
417  
418  
419  
420  
421  
422  
423  
424  
425  
426  
427  
428  
429  
430  
431  
432  
433  
434  
435  
436  
437  
438  
439  
440  
441  
442  
443  
444  
445  
446  
447  
448  
449  
450  
451  
452  
453  
454  
455  
456  
457  
458  
459  
460  
461  
462  
463  
464  
465  
466  
467  
468  
469  
470  
471  
472  
473  
474  
475  
476  
477  
478  
479  
480  
481  
482  
483  
484  
485  
486  
487  
488  
489  
490  
491  
492  
493  
494  
495  
496  
497  
498  
499  
500  
501  
502  
503  
504  
505  
506  
507  
508  
509  
510  
511  
512  
513  
514  
515  
516  
517  
518  
519  
520  
521  
522  
523  
524  
525  
526  
527  
528  
529  
530  
531  
532  
533  
534  
535  
536  
537  
538  
539  
540  
541  
542  
543  
544  
545  
546  
547  
548  
549  
550  
551  
552  
553  
554  
555  
556  
557  
558  
559  
5510  
5511  
5512  
5513  
5514  
5515  
5516  
5517  
5518  
5519  
5520  
5521  
5522  
5523  
5524  
5525  
5526  
5527  
5528  
5529  
5530  
5531  
5532  
5533  
5534  
5535  
5536  
5537  
5538  
5539  
55310  
55311  
55312  
55313  
55314  
55315  
55316  
55317  
55318  
55319  
55320  
55321  
55322  
55323  
55324  
55325  
55326  
55327  
55328  
55329  
55330  
55331  
55332  
55333  
55334  
55335  
55336  
55337  
55338  
55339  
55340  
55341  
55342  
55343  
55344  
55345  
55346  
55347  
55348  
55349  
55350  
55351  
55352  
55353  
55354  
55355  
55356  
55357  
55358  
55359  
55360  
55361  
55362  
55363  
55364  
55365  
55366  
55367  
55368  
55369  
55370  
55371  
55372  
55373  
55374  
55375  
55376  
55377  
55378  
55379  
55380  
55381  
55382  
55383  
55384  
55385  
55386  
55387  
55388  
55389  
55390  
55391  
55392  
55393  
55394  
55395  
55396  
55397  
55398  
55399  
553100  
553101  
553102  
553103  
553104  
553105  
553106  
553107  
553108  
553109  
553110  
553111  
553112  
553113  
553114  
553115  
553116  
553117  
553118  
553119  
553120  
553121  
553122  
553123  
553124  
553125  
553126  
553127  
553128  
553129  
553130  
553131  
553132  
553133  
553134  
553135  
553136  
553137  
553138  
553139  
553140  
553141  
553142  
553143  
553144  
553145  
553146  
553147  
553148  
553149  
553150  
553151  
553152  
553153  
553154  
553155  
553156  
553157  
553158  
553159  
553160  
553161  
553162  
553163  
553164  
553165  
553166  
553167  
553168  
553169  
553170  
553171  
553172  
553173  
553174  
553175  
553176  
553177  
553178  
553179  
553180  
553181  
553182  
553183  
553184  
553185  
553186  
553187  
553188  
553189  
553190  
553191  
553192  
553193  
553194  
553195  
553196  
553197  
553198  
553199  
553200  
553201  
553202  
553203  
553204  
553205  
553206  
553207  
553208  
553209  
553210  
553211  
553212  
553213  
553214  
553215  
553216  
553217  
553218  
553219  
553220  
553221  
553222  
553223  
553224  
553225  
553226  
553227  
553228  
553229  
553230  
553231  
553232  
553233  
553234  
553235  
553236  
553237  
553238  
553239  
553240  
553241  
553242  
553243  
553244  
553245  
553246  
553247  
553248  
553249  
553250  
553251  
553252  
553253  
553254  
553255  
553256  
553257  
553258  
553259  
553260  
553261  
553262  
553263  
553264  
553265  
553266  
553267  
553268  
553269  
553270  
553271  
553272  
553273  
553274  
553275  
553276  
553277  
553278  
553279  
553280  
553281  
553282  
553283  
553284  
553285  
553286  
553287  
553288  
553289  
553290  
553291  
553292  
553293  
553294  
553295  
553296  
553297  
553298  
553299  
553300  
553301  
553302  
553303  
553304  
553305  
553306  
553307  
553308  
553309  
553310  
553311  
553312  
553313  
553314  
553315  
553316  
553317  
553318  
553319  
553320  
553321  
553322  
553323  
553324  
553325  
553326  
553327  
553328  
553329  
553330  
553331  
553332  
553333  
553334  
553335  
553336  
553337  
553338  
553339  
5533310  
5533311  
5533312  
5533313  
5533314  
5533315  
5533316  
5533317  
5533318  
5533319  
55333100  
55333101  
55333102  
55333103  
55333104  
55333105  
55333106  
55333107  
55333108  
55333109  
55333110  
55333111  
55333112  
55333113  
55333114  
55333115  
55333116  
55333117  
55333118  
55333119  
553331100  
553331101  
553331102  
553331103  
553331104  
553331105  
553331106  
553331107  
553331108  
553331109  
553331110  
553331111  
553331112  
553331113  
553331114  
553331115  
553331116  
553331117  
553331118  
553331119  
5533311100  
5533311101  
5533311102  
5533311103  
5533311104  
5533311105  
5533311106  
5533311107  
5533311108  
5533311109  
5533311110  
5533311111  
5533311112  
5533311113  
5533311114  
5533311115  
5533311116  
5533311117  
5533311118  
5533311119  
55333111100  
55333111101  
55333111102  
55333111103  
55333111104  
55333111105  
55333111106  
55333111107  
55333111108  
55333111109  
55333111110  
55333111111  
55333111112  
55333111113  
55333111114  
55333111115  
55333111116  
55333111117  
55333111118  
55333111119  
553331111100  
553331111101  
553331111102  
553331111103  
553331111104  
553331111105  
553331111106  
553331111107  
553331111108  
553331111109  
553331111110  
553331111111  
553331111112  
553331111113  
553331111114  
553331111115  
553331111116  
553331111117  
553331111118  
553331111119  
5533311111100  
5533311111101  
5533311111102  
5533311111103  
5533311111104  
5533311111105  
5533311111106  
5533311111107  
5533311111108  
5533311111109  
5533311111110  
5533311111111  
5533311111112  
5533311111113  
5533311111114  
5533311111115  
5533311111116  
5533311111117  
5533311111118  
5533311111119  
55333111111100  
55333111111101  
55333111111102  
55333111111103  
55333111111104  
55333111111105  
55333111111106  
55333111111107  
55333111111108  
55333111111109  
55333111111110  
55333111111111  
55333111111112  
55333111111113  
55333111111114  
55333111111115  
55333111111116  
55333111111117  
55333111111118  
55333111111119  
553331111111100  
553331111111101  
553331111111102  
553331111111103  
553331111111104  
553331111111105  
553331111111106  
553331111111107  
553331111111108  
553331111111109  
553331111111110  
553331111111111  
553331111111112  
553331111111113  
553331111111114  
553331111111115  
553331111111116  
553331111111117  
553331111111118  
553331111111119  
5533311111111100  
5533311111111101  
5533311111111102  
5533311111111103  
5533311111111104  
5533311111111105  
5533311111111106  
5533311111111107  
5533311111111108  
5533311111111109  
5533311111111110  
5533311111111111  
5533311111111112  
5533311111111113  
5533311111111114  
5533311111111115  
5533311111111116  
5533311111111117  
5533311111111118  
5533311111111119  
55333111111111100  
55333111111111101  
55333111111111102  
55333111111111103  
55333111111111104  
55333111111111105  
55333111111111106  
55333111111111107  
55333111111111108  
55333111111111109  
55333111111111110  
55333111111111111  
55333111111111112  
55333111111111113  
55333111111111114  
55333111111111115  
55333111111111116  
55333111111111117  
55333111111111118  
55333111111111119  
553331111111111100  
553331111111111101  
553331111111111102  
553331111111111103  
553331111111111104  
553331111111111105  
553331111111111106  
553331111111111107  
553331111111111108  
553331111111111109  
553331111111111110  
553331111111111111  
553331111111111112  
553331111111111113  
553331111111111114  
553331111111111115  
553331111111111116  
553331111111111117  
553331111111111118  
553331111111111119  
5533311111111111100  
5533311111111111101  
5533311111111111102  
5533311111111111103  
5533311111111111104  
5533311111111111105  
5533311111111111106  
5533311111111111107  
5533311111111111108  
5533311111111111109  
5533311111111111110  
5533311111111111111  
5533311111111111112  
5533311111111111113  
5533311111111111114  
5533311111111111115  
5533311111111111116  
5533311111111111117  
5533311111111111118  
5533311111111111119  
55333111111111111100  
55333111111111111101  
55333111111111111102  
55333111111111111103  
55333111111111111104  
55333111111111111105  
55333111111111111106  
55333111111111111107  
55333111111111111108  
55333111111111111109  
55333111111111111110  
55333111111111111111  
55333111111111111112  
55333111111111111113  
55333111111111111114  
55333111111111111115  
55333111111111111116  
55333111111111111117  
55333111111111111118  
55333111111111111119  
553331111111111111100  
553331111111111111101  
553331111111111111102  
553331111111111111103  
553331111111111111104  
553331111111111111105  
553331111111111111106  
553331111111111111107  
553331111111111111108  
553331111111111111109  
553331111111111111110  
553331111111111111111  
553331111111111111112  
553331111111111111113  
553331111111111111114  
553331111111111111115  
553331111111111111116  
553331111111111111117  
553331111111111111118  
553331111111111111119  
5533311111111111111100  
5533311111111111111101  
5533311111111111111102  
5533311111111111111103  
5533311111111111111104  
5533311111111111111105  
5533311111111111111106  
5533311111111111111107  
5533311111111111111108  
5533311111111111111109  
5533311111111111111110  
5533311111111111111111  
5533311111111111111112  
5533311111111111111113  
5533311111111111111114  
55333111111111111

## DECLARATION OF DAVID LOY

I, David Loy, declare under penalty of perjury as prescribed in 28 U.S.C. § 1746 that the following is true and correct:

1. I am the Legal Director of the First Amendment Coalition (“FAC”). I have served in my current position as Legal Director since February 2022.

2. FAC seeks to intervene in this case to protect its significant interests and those of its members, as guaranteed by the First Amendment, in accessing records filed in and proceedings held by this Court about the operations of the Federal Correctional Institution, Dublin (“FCI Dublin”), a public, government-funded institution.

3. I am an experienced free speech and open government litigator, having fought for public disclosure and governmental transparency for over twenty years. As a litigator, I have defended the First Amendment rights of reporters, photographers, bloggers, students, teachers, activists, protestors, musicians, Marines, and more. Before joining FAC, I served as Legal Director of the ACLU Foundation of San Diego & Imperial Counties for nearly sixteen years.

4. Founded and established in 1988 as the California First Amendment Coalition, the First Amendment Coalition (“FAC”) is a nonpartisan public interest nonprofit dedicated to protecting and promoting a free press, freedom of expression, and the people’s right to know. FAC advocates on behalf of the public and its members through litigation (cases involving issues of censorship, rights of access to court and agency records, and access to proceedings of state and local governments), education (providing free legal information on the First Amendment and freedom-of-information issues), and public advocacy (op-eds and other articles, public speaking).

5. FAC believes that the broadest range of engaged and informed communities is essential to the health of our democracy, and that the values expressed by the First Amendment provide a blueprint for an inclusive, equitable society and a responsive, accountable government. We believe that to realize the promise of the values underlying the First Amendment, we must reach and include as broad a range of voices as possible to inform our policies, priorities, and programs. We recognize that there exist systemic inequities rooted in, among other things, race and gender.

1       6. FAC believes journalists serve as government watchdogs, shining a light in dark places  
2 despite frequent threats to their access to information, independence, and resources.

3       7. Because information relating to incarceration, policing, and civil rights is of significant public  
4 concern, FAC also has a demonstrated commitment to ensuring law enforcement's exercise of its power  
5 is exposed to public scrutiny. For example, FAC participated in litigation resulting in two published  
6 opinions establishing the California Attorney General's obligation to disclose law enforcement records  
7 obtained from other agencies. In 2022 FAC's legal advocacy resulted in the release of previously secret  
8 recordings of a police shooting of a San Diego woman experiencing mental distress, and the Ventura  
9 County Sheriff's Office's disclosure of previously secret records about officer use of force and  
10 misconduct. In May 2023, FAC and Knock LA, an independent news organization, prevailed in a legal  
11 battle against the Los Angeles County Sheriff's Department ("LASD") over the unsealing of search  
12 warrant materials. Through this victory, FAC ensured the public could finally examine LASD's stated  
13 rationale for seizing and searching the cell phones and digital cameras of protesters demonstrating  
14 against LASD deputies' killing of cyclist Dijon Kizzee on August 31, 2020 and journalists covering the  
15 protest. More recently, in March 2024, FAC prevailed on the San Bernardino County Sheriff's  
16 Department to release videos documenting the controversial shooting of a fifteen-year-old girl who had  
17 been allegedly kidnapped by her father, and in January 2024, FAC successfully opposed a former police  
18 officer's attempt to prevent a news outlet from reporting on allegations about his conduct.

19       8. FAC is committed to enforcing the First Amendment's presumptive right of public access to  
20 court records and court hearings because it believes there can be no real accountability without  
21 transparency. When needlessly sealed documents are revealed and hearings are opened, the public learns  
22 how officials exercise their power and can decide for itself whether such officials are acting  
23 appropriately.

24       9. It is FAC's understanding that FCI Dublin closed ten days after this Court appointed a special  
25 master to oversee the prison. It is also FAC's understanding that many documents in this case have been  
26 filed under seal, that this Court has recently held status conferences closed to the public, and that  
27 additional closed status conferences may be scheduled in the future.

1       10. Because many motions to seal those documents were also filed under seal, and because the  
2 content of the status conferences is not public information, it is difficult for FAC to discern what  
3 information, exactly, is hidden from public view. But FAC believes public access to the docket and  
4 proceedings in this case is essential to transparency and accountability. People recently incarcerated at  
5 FCI Dublin, their communities, and the broader public deserve to know whether or to what extent FCI  
6 Dublin has violated, and is violating, the civil rights of the people it incarcerated. People deserve this  
7 knowledge not only because FCI Dublin is a public institution run by their tax dollars, but also (perhaps  
8 more importantly) because of allegations that the prison has subjected incarcerated women to pervasive  
9 sexual abuse at the hands of government officials.

10      11. This Court may decide whether FCI Dublin indeed violated, and whether it continues to  
11 violate, incarcerated people's rights, as Plaintiffs allege, but the public has a compelling interest in  
12 access to the information that is before the Court, so the public can assess for itself the true state of  
13 conditions in the prison, the reason for the prison closure, and hold elected officials accountable as the  
14 public sees fit.

15       I declare under penalty of perjury that the foregoing is true and correct.

16       Executed on June 3, 2024, in San Diego, California.

17  
18  
19         
20       David Loy, Legal Director  
21       First Amendment Coalition